

1 **3,THE HONORABLE BRIAN D. LYNCH**
2 **CHAPTER 13**

3 **HEARING DATE: October 6, 2020**

4 **HEARING TIME: 1:00 P.M.**

5 **LOCATION: Telephonic**

6 **RESPONSE DATE: September 29, 2020**

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10 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE**
11 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

12 In re:

Case No.: 19-42865-BDL

13 SHAYNE EDWARD MILES,

14 NOTICE OF AND MOTION FOR DISMISSAL
15 PURSUANT TO 11 U.S.C. § 1307(c)

16 Debtor.

17 **NOTICE**

18 **YOU ARE HEREBY NOTIFIED** that a hearing on Trustee's Motion to Dismiss is set
19 as follows:

20 JUDGE: Brian D. Lynch

TIME: 1:00 P.M.

21 PLACE: Telephonic

DATE: October 6, 2020

Dial 1-888-363-4779

Enter Access Code: 5974828#

To join the call: Press the # sign again

Enter Security Code when prompted: 8109#

Speak your name when prompted

IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, **NOT LATER THAN THE RESPONSE DATE**, which is **September 29, 2020**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtor filed this case on **September 5, 2019**. The case was confirmed by order of the Court on **January 7, 2020**.
2. Pursuant to the confirmed plan, Debtor is required to make plan payments of **\$3,200.00** per month. Debtor is presently delinquent in plan payments in the amount of **\$16,020.00**, supported by the Declaration filed herewith.
3. Debtor has defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 20th day of August, 2020 at Tacoma, Washington.

/s/ Michael G. Malaier
Michael G. Malaier, WSBA# 34729
Chapter 13 Standing Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

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Shayne Edward Miles
1720 N.E. 12th Street
Battle Ground, WA 98604

Lesley D. Bohleber
Ellen Ann Brown
US Trustee

/s/Tracy Maher
Tracy Maher
Office Manager

NOTICE AND MOTION FOR DISMISSAL - 3